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TECHNOLOGY CENTER R3700

Attorney Docket No. 8627/114
Cook Reference Nos. 02-02379 and PA-5262-RFB

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

FRED T. PARKER and
THOMAS A. OSBORNE

Serial No.: 09/905,017

Filing Date: July 13, 2001

For: MEDICAL DEVICE INCLUDING
TUBE HAVING A BRAID AND
EXPANDED COIL

Examiner: Roz Ghafoorian

Group Art Unit No. 3763

REPLY AND AMENDMENT

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Applicants submit this Reply and Amendment in response to an Examiner's Office Action mailed on September 12, 2002, setting a shortened statutory period for reply of three months. As this Reply and Amendment is being mailed on December 12, 2002, this is timely filed.

In the subject Office Action, the Examiner issued an election requirement, acknowledged a provisional election made with traverse, and withdrew claims 13, and 15-18 from further consideration as being drawn to a non-elected invention. Furthermore, the Examiner rejected claims 1-12, 14 and 19-21 under 35 U.S.C. § 112. The Examiner also rejected claims 1-7, 12, and 20-21 under 35 U.S.C. § 102(b). Lastly, the Examiner rejected claims 8-11, 14, and 19 under 35 U.S.C. § 103(a).

Applicants herein amend the claims and discuss the election requirement and the claim rejections in response to the subject Office Action. Applicants request that the Examiner review and consider these amendments and remarks in response to the subject Office Action.

AMENDMENT

Please amend claims 1, 2, 19, 20, and 21 as indicated in Appendix A in which newly added text is underlined and text to be deleted is surrounded by brackets. Clean copies of these amended claims follow:

1. (Amended) A medical device (10) comprising a tube (11), wherein the tube (11) comprises:

a coil (14) in a stressed, radially expanded condition;
a braid (16) extending over at least part of the coil (14); and
a polymeric layer (18) positioned over and contacting at least the coil (14);
the polymeric layer (18) maintaining the coil (14) in the stressed, radially expanded condition.

2. (Amended) The medical device (10) according to claim 1, wherein the polymeric layer (18) maintains the coil (14) in the stressed, radially expanded condition by adhesion to the coil (14).

19. (Amended) A medical device (10) comprising a tube (11), wherein the tube (11) comprises:

a metal coil (14) in a stressed, radially expanded condition, the metal coil (14) comprising flat wire;
a metal braid (16) extending over at least part of the coil (14);